

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

JUN - 1 2007

Case No. 5606  
Date Filed 5/29/07  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$400.00

Shaded Areas for Office Use Only

**Type of Application**

**Nature of Request and Section(s) of Code** \_\_\_\_\_

- ☒ Administrative Decision/Interpretation  
☒ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5606 MAP 49 & 41 TYPE Special Exception  
ELECTION DISTRICT 03 LOCATION 1204 E. Churchville Road, WS Moores  
Mill Road, NWS Route 22 S of Moores Mill Road, 1200 E. Churchville Road  
BY St. Matthew Lutheran Church, 1200 East Churchville Road, Bel Air 21014  
Appealed because a special exception pursuant to Sec. 267-53(C)(7) of the Harford  
County Code to allow a school in the R2 District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Owner (please print or type)**

Name St. Matthew Lutheran Church Phone Number Call Attorney  
Address 1200 E. Churchville Road Bel Air MD 21014  
*Street Number Street City State Zip Code*

Co-Applicant New Covenant Christian Church Phone Number Call Attorney  
Address 128 St. Mary's Church Road Abingdon MD 21009  
*Street Number Street City State Zip Code*

Contract Purchaser N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative John J. Gessner Phone Number (410) 893-7500  
Address 11 South Main Street, P.O. Box 1776 Bel Air MD 21014-7776  
*Street Number Street City State Zip Code*

## Land Description

Address and Location of Property See Attached

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_

Acreage/Lot Size See Attached Election District 3 Zoning R 2

Tax Map No. 49 and 41 Grid No. 1D Parcel See Attached Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: Church; Parsonage; institutional use

Estimated time required to present case: 45 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) mile of any incorporated town limits? Yes X No \_\_\_\_\_

## Request

See Attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Justification

See Attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

4 : 5/18/07  
2 : 24271  
300645

## ATTACHMENT TO APPLICATION OF NEW COVENANT CHRISTIAN SCHOOL

### Address and Location of Property

1. LT 0.71 AC 1204 E CHURCHVILLE ROAD E OF BEL AIR
2. 2.47 ACRES W S MOORES MILL ROAD
3. 47.88 ACRES N W S ROUTE 22 S OF MOORES MILL ROAD
4. LOT 3.57 ACRES 1200 E CHURCHVILLE ROAD N E OF BEL AIR

### Parcel

1. MAP 49, PARCEL 52
2. MAP 41, PARCEL 534
3. MAP 49, PARCEL 45
4. MAP 49, PARCEL 430

2 : 5/16/07  
2 : 24205  
300645

## ATTACHMENT TO APPLICATION OF NEW COVENANT CHRISTIAN SCHOOL

### REQUEST:

Applicant requests special exception approval pursuant to Section 267-53 (C)(7) of the Harford County Zoning Code ("Code") to operate a school from the subject property, zoned R1, Urban Residential, as shown on the attached site plan.

### JUSTIFICATION:

The subject property is an ideal site for a school. The proposed school is compatible with uses permitted as of right in the R1 district and will cause no adverse impact.



## **Phased-In Use of St. Matthew Lutheran Church**

Maximum Class Size: 25 per grade

Year 1: 2008-2009 → 70 – 90 students, Grades 7-10

Year 2: 2009-2010 → 90 – 115 students, Grades 7-11

Year 3: 2010-2011 → 110 – 140 students, Grades 7-12

Maximum Enrollment, Years 4+ - 150 students in grades 7-12

### **Traffic Estimates for New Covenant Christian School**

At St. Matthew Church in Bel Air

Approximately 40-50% of the students projected to be enrolled in our Upper School will have younger siblings in the Lower School and will likely use our bus shuttle service. A significant number of our families also carpool, which will further reduce school-related traffic. Estimates below are based on having 40% of students ride the bus and 30% of families carpooling. These are conservative estimates. If anything, we expect more families to carpool.

#### **Year One: 2008-2009 (Grades 7-10)**

Enrollment Projection: 75-90 Students & 7-9 Staff

Staff Arrival: 7:30 – 8:30 (7 - 9 cars)

Morning Electives Arrival: 7:45 – 7:55 (15 - 20 cars, driven by parents)

School Bus Arrival: 8:45 (1 bus, 30 - 36 students)

Regular Student Arrival: 8:45 – 8:55 (18 - 22 cars, driven by parents)

#### **Year Two: 2009-2010 (Grades 7-11)**

Enrollment Projection: 100-125 Students & 8-12 Staff

Staff Arrival: 7:30 – 8:30 (8 - 12 cars)

Morning Electives Arrival: 7:45 – 7:55 (19 - 28 cars, driven by parents)

School Bus Arrival: 8:45 (1-2 busses, 40 - 50 students)

Regular Student Arrival: 8:45 – 8:55 (25 - 30 cars, driven by parents)

#### **Year Three: 2010-2011 (Grades 7-12)**

Enrollment Projection: 125-150 Students & 10-14 Staff

Staff Arrival: 7:30 – 8:30 (10 - 14 cars)

Morning Electives Arrival: 7:45 – 7:55 (24 - 33 cars, driven by parents)

School Bus Arrival: 8:45 (2 busses, 50 - 60 students)

Regular Student Arrival: 8:45 – 8:55 (33 - 38 cars, driven by parents & Seniors)

**Based on current enrollment, we predict the following numbers for traffic patterns:**

- ✓ **35 – 40%** of families will be coming from Abingdon, either on Brierhill Rd.  
or on Rt. 22
- ✓ **20 – 25%** of families will be coming from the western part of the county  
(Forest Hill, Jarrettsville)
- ✓ **30 – 35%** will be coming from Bel Air
- ✓ **15 – 20%** will be coming from farther away, from Havre de Grace, Edgewood  
or Baltimore County

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



**C. PETE GUTWALD**  
DIRECTOR OF PLANNING & ZONING

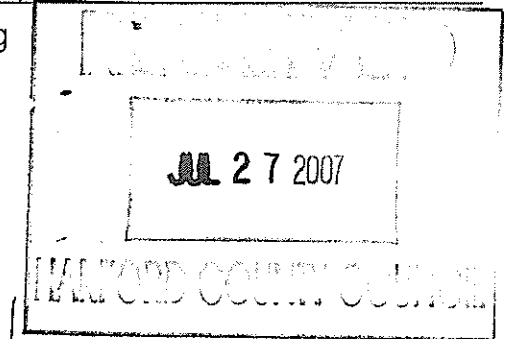
## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 19, 2007

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5606



**APPLICANT/OWNER:** St. Matthew Lutheran Church  
1200 E. Churchville Road, Bel Air, Maryland 21014

**Co-APPLICANT:** New Covenant Christian Church  
128 St. Mary's Church Road, Abingdon, Maryland 21009

**REPRESENTATIVE:** John J. Gessner  
11 South Main Street, P.O. Box 1776 Bel Air, Maryland 21014

**LOCATION:** 1200 E. Churchville Road east of Bel Air  
1204 E. Churchville Road east of Bel Air  
West Side of Moores Mill Road  
West Side of Route 22 South of Moores Mill Road  
Tax Map: 41 and 49 / Grid: 1D / Parcel: 52, 534, 45, 430  
Election District: Three (3<sup>rd</sup>)

**ACREAGE:** LT 0.71 acres at 1204 East Churchville Road  
2.47 acres West Side of Moores Mill Road  
47.88 acres Northwest side of Rt. 22, South of Moores Mill Road  
LT 3.57 acres 1200 East Churchville Road

**ZONING:** R2/Urban Residential District

**DATE FILED:** May 29, 2007

**HEARING DATE:** August 8, 2007

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

## STAFF REPORT

Board of Appeals Case Number 5606

St. Matthew Lutheran & New Covenant Christian Church

Page 2 of 7

### **APPLICANT'S REQUEST and JUSTIFICATION:**

#### Request:

"Applicant requests special exception approval pursuant to Section 267-53(C)(7) of the Harford County zoning Code ("Code") to operate a school from the subject property, zoned R1, Urban Residential, as shown on the attached site plan."

#### Justification:

"The subject property is an ideal site for a school. The proposed school is compatible with uses permitted as of right in the R2 District and will cause no adverse impact."

The Applicant has also provided a Phasing plan for the growth of the proposed school which is attached to this report (See Attachment 1).

### **CODE REQUIREMENTS:**

The Applicants are requesting a Special Exception pursuant to Section 267-53(C)(7) of the Harford County Code to allow a school in the R2/Urban Residential District.

Section 267-53(C)(7) of the Harford County Code reads:

- (7) *[Amended by Bill Nos. 90-30; 97-12] Schools, colleges and universities. These uses may be granted in any District, except the LI and GI Districts, provided that:*
- (a) Schools, colleges and universities which offer any general academic instruction at levels above the eighth grade must have:*
    - [1] A parcel of at least three acres. An additional eight hundred seventy-five square feet of parcel area will be required for each student in excess of fifty.*
    - [2] A parcel frontage of at least three hundred feet.*
    - [3] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is approximate to the side lot line and a rear yard depth of at least fifty feet.*
  - (c) All other educational institutions must comply with the following:*
    - [2] Where the maximum attendance at any one time exceeds forty students, such institution must have:*
      - [a] A parcel area of at least three acres, plus seven hundred square feet for each student in excess of sixty.*
      - [b] A parcel frontage of at least two hundred feet.*
      - [c] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least fifty feet.*
    - (d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.*

## STAFF REPORT

Board of Appeals Case Number 5606

St. Matthew Lutheran & New Covenant Christian Church

Page 3 of 7

*(e) A buffer yard ten feet wide shall be provided along the boundary with an adjacent residential lot.*

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants property is located east of the town of Bel Air, on the north side of Churchville Road (MD Route 22) and the west side of Moores Mill Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. The Natural Features Map reflects Sensitive Species Project Review Areas and Stream Systems. The subject property is designated as Low Intensity which is defined by the 2004 Master Plan as:

*Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.*

The property includes area designated as Sensitive Species Project Review Areas.

Enclosed with the report are copies of portions of the 2004 Land Use Map, the Natural Features Map and the Greater Bel Air Community Area Map (Attachments 4, 5 and 6).

#### **Land Use – Existing:**

The existing land uses conform to the overall intent of the 2004 Master Plan. Residential uses include single family dwellings, garden apartments, townhouses, and condominiums. Other land uses include schools, churches, parks, shopping centers, and personal and professional services. The topography of the area ranges from rolling to steep. A copy of the aerial photograph and a topography map are enclosed with the report (Attachments 7 and 8).

The subject property contains 4 separate parcels that total approximately 59.917 acres. A majority of the site is encumbered by wetlands and Flood Plain. The topography of the site is rolling to steep especially near the streams that traverse the property. The site contains an existing church facility. The most recent expansion of the church is not reflected on the aerial photograph. The main access to the site is from Churchville Road (MD Route 22) at the intersection of Brierhill Drive. There is a secondary/emergency access out to Moores Mill Road. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

## STAFF REPORT

Board of Appeals Case Number 5606

St. Matthew Lutheran & New Covenant Christian Church

Page 4 of 7

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning consists of RO/Residential Office, R1, R2, R3 and R4 Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business and B2/Community Business Districts. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 11).

### SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53(C)(7) of the Harford County Code to allow a school in the R2/Urban Residential District.

### Section 267-53(C)(7):

*(7) [Amended by Bill Nos. 90-30; 97-12] Schools, colleges and universities. These uses may be granted in any District, except the LI and GI Districts, provided that:*

*(a) Schools, colleges and universities which offer any general academic instruction at levels above the eighth grade must have:*

The phasing schedule provided by the Applicant shows: Year 1: 2008-2009 with 70 to 90 students, Grades 7-10. Year 2: 2009-2010 with 90 to 115 students Grades 7-11. Year 3: 2010-2011 with 110-140 students, Grades 7-12. The Applicant states that Year 4 and beyond will have 150 students in grades 7-12. Enclosed with the report are floor plans showing the number of students per classrooms (Attachment 12).

*[1] A parcel of at least three acres. An additional eight hundred seventy-five square feet of parcel area will be required for each student in excess of fifty.*

Based on 150 students, an area of just over 5 acres is required. The Applicants property contains more than 59 acres.

*[2] A parcel frontage of at least three hundred feet.*

The property has over 2600 feet of frontage along Churchville Road and over 1700 feet of frontage on Moores Mill Road.

*[3] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is approximate to the side lot line and a rear yard depth of at least fifty feet.*

The request meets all setback requirement.

STAFF REPORT

Board of Appeals Case Number 5606

St. Matthew Lutheran & New Covenant Christian Church

Page 5 of 7

Section 267-53(C)(7)(c)[2]:

*(c) All other educational institutions must comply with the following:*

*[2] Where the maximum attendance at any one time exceeds forty students, such institution must have:*

*[a] A parcel area of at least three acres, plus seven hundred square feet for each student in excess of sixty.*

The property exceeds the minimum acreage requirement.

*[b] A parcel frontage of at least two hundred feet.*

The property has over 2600 feet of frontage on Churchville Road and over 1700 feet of frontage on Moores Mill Road.

*[c] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least fifty feet.*

The request meets all setback requirements.

*(d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.*

There is adequate room to the rear of the building to store any buses used for the school.

*(e) A buffer yard ten feet wide shall be provided along the boundary with an adjacent residential lot.*

The only adjacent residential lots which would require the 10 foot buffer are located to the northwest on the other side of the streams and wetlands (NRD). The NRD area provides a natural buffer to these lots.

Section 267-9I:

*(1) The number of persons living or working in the immediate area.*

This area of the County contains a mix of residential, institutional and commercial uses. The proposed use should have no adverse impact on persons living or working in the area. The land adjoining the subject property to the north is the location of Southampton Middle School. There is already a school associated with the Church that is operated at this site.

## STAFF REPORT

Board of Appeals Case Number 5606

St. Matthew Lutheran & New Covenant Christian Church

Page 6 of 7

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property fronts on Churchville Road (MD Route 22) which is a State owned and maintained Arterial Road. Sight distance from the proposed entrance is good in both directions. The entrance to the church is at a signalized intersection. The proposed use should not adversely impact traffic in the area. There is also a secondary/emergency access to Moores Mill road. The Applicant has submitted a preliminary traffic study to the County. A final traffic study which meets all Adequate Public Facilities (APF) requirements will be required at the time of site plan review.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed location of this school will not impact the orderly growth of the neighborhood. There should be no adverse fiscal impact to the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposal should have no impact on the surrounding community based on the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air Volunteer Fire Companies will provide fire protection. The property is already served by public water and sewer. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The requested use is consistent with generally accepted planning principals and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal will have no adverse impact on institutional uses in the area.

STAFF REPORT

Board of Appeals Case Number 5606

St. Matthew Lutheran & New Covenant Christian Church

Page 7 of 7

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is compatible with the existing zoning and the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The overall property owned by the church contains sensitive environmental features. The existing land uses and improvements are located outside of these areas. The proposed use should have no environmental impact.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to this request.

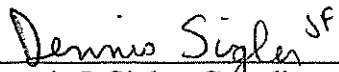
Comments from the Town of Bel Air:

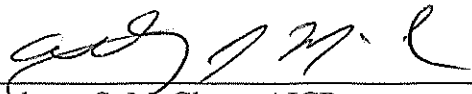
The proposal was reviewed by the Town of Bel Air. The Town provided comments in a memorandum dated June 6, 2007 (Attachment 13).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the use and any renovations to the existing structure.
2. The Applicants shall submit a detailed site plan to the Department of Planning and Zoning for review and approval thru the Development Advisory Committee.
3. The approval shall be limited to 150 students.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf